GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PR&RD Department-Public Servants - Departmental proceedings against Sri M.D.Amrutha Raj, former MPDO, Uravakonda, Anantapuram-Dereliction and negligence of duties in execution of MGNREGS works in Peapully Mandal-Departmental proceedings under Rule 20 of the APCS (CCA) Rules, 1991-Charges framed-Inquiry Report received-Imposed punishment of dismissal from service under Rule 9 (x) of APCS (CCA) Rules,1991-Orders of Hon'ble High Court dt. 14.11.2024 in WP No. 11116/2024-Show cause notice and representation submitted by the Charged Officer examined-Imposed punishment of dismissal from service under Rule 9 (X) of APCS (CC&A) Rules, 1991 read with rule 12 of APCS (CC&A) Rules, 1991-Orders-Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.VII) DEPARTMENT

G.O.MS.No. 23 **Dated: 11-03-2025**

Read the following:

1.Lr.No.829/CVO/KRL/2016, Dt:24.07.2019 of the Commissioner, Rural Development, Amaravathi.
2.CPR's Charge Memo No.957879/CPR&RD/A1/2019, Dt: 08.09.2020.
3. Written Statement of Defence Submitted by Sri M.D.Amrutha Raj, the then MPDO, Peapully Mandal, Kurnool District, Dt:28.09.2020.
4.CPR's Progs No.957879/CPR&RD/A3/2019, Dt:21.01.2021.
5.Rc.No.A8/275/2015, Dt:07.09.2021 of the CEO,ZPP, Kurnool.
6.Explanation of Sri M.D.Amrutha Raj, MPDO, Gonegandla Mandal, Kurnool District, Dt:14.10.2021.
7.Lr.No.957879/CPR&RD/A1/2019, Dt:04.01.2022 of the Commissioner, PR&RD, Tadeaplli.
8. From APPSC., File No. GAD02/APPSODCC/5/2024-DC-SEC-APPSC (computer No. 2352954) dt. 02.04.2024.
9.From the Secy., APPSC Lr. File No. GAD03-APPSODCC/5/2024-DCSEC-APPSC (computer No. 2352954) dt. 02.04.2024.
10. G.O.Ms.No.38, PR&RD(Vig.VII) Dept., Dt: 29.04.2024.
11. From the Hon'ble High Court of AP in W.P.No.11116 of 2024, Dt:14.11.2024.
12.Show cause notice of CPR in Memo No. 957879/CPRR&RD/A3/2019, Dt: 11.09.2022.
13. Representation of Sri M.D.Amrutha Raj, former MPDO, Uravakonda, Anantapuram District, dated 21.09.2022 addressed to CPR.

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ORDER:

Whereas in the reference 1st read above, the CPR has brought to the notice of the Government that Departmental proceedings initiated against Sri M.D.Amrutha Raj, the then MPDO, Peapully Mandal of Kurnool District, presently working as MPDO, Uravakonda of Ananthapuram District for dereliction and negligence of duties in execution of NREGS works noticed in 11th Round Social Audit in Peapully Mandal of Kurnool District.

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2. In the reference 2nd read above, the CPR, based on the report furnished by the District Collector framed the following article of charges against Sri M.D.Amrutha Raj, former MPDO, Peapully Mandal of Kurnool District.

Article I:- Dereliction of legitimate duties and violation of the procedures in vogue as Programme Officer, MGNREGS.

Article- II:-Misappropriation of Government funds to a tune of Rs.37,284/- identified. At open forum and Rs.2,37,207/- identified by QC Teams.

3. After examining the written statement of defense of the individual submitted through the reference 3rd read above, the CPR have decided to conduct regular departmental Inquiry against the Charged Officer on the charges framed against him. Accordingly, in the reference 4th read above, the CPR has appointed the Chief Executive Officer, ZPP, Kurnool District as Inquiry Officer and the Project Director, DWMA, Kurnool as Presenting Officer, to conduct detailed Inquiry, under Rule 20 (2) and Rule, 20(5)(C) respectively of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, against Sri M.D.Amrutha Raj, former MPDO, Peapully Mandal of Kurnool District on the charges framed against him.

4. In the reference 5th read above, the Inquiry Officer and Chief Executive Officer, ZPP, Kurnool District, has submitted his inquiry report, stating that Charge No.I is proved and Charge No.II is not proved. The same has been communicated to the Charged Officer and the Charged Officer, Sri M.D.Amrutha Raj, former MPDO, Peapully Mandal has submitted his explanation vide reference 6th read above, denying the charges, which is not convincing.

5. In the reference 7th read above, the CPR, being the disciplinary authority has taken provisional decision on the IR and submitted a proposal to Government, stating that the delinquent officer Sri. M.D.Amruth Raj, MPDO was Second Level Gazetted officer, and the Major penalty of "Dismissal" proposed by him was listed in Rule 9, under item (X), of AP CCA Rules 1991; for which Government is competent, under Rule 12 of AP CCA Rules 1991.

6. After examination of the matter, observed that, the Charged Officer is prime responsible office to execute NREGS works in the Mandal. He has completely violated circular guidelines and made payment to the unqualified material suppliers, who were not approved by the Mandal level material procurement committee and caused payment to the 124 bogus works. Taking into consideration of Inquiry Report and recommendation of the Commissioner, Panchayat Raj., Govt., have decided to impose the penalty of Dismissal from service against Sri M.D. Amrutha Raj, the then MPDO and accordingly necessary concurrence of APPSC was obtained to impose the Major Penalty of Dismissal from service against Sri M.D. Amrutha Raj, the then MPDO.

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7. In exercise of the powers conferred by Rule 9 (X) of AP CS (CC&A) Rules, 1991 read with rule 12 of APCS (CC&A) Rules, 1991, the Govt., issued orders vide reference 10th read above, imposing the penalty of dismissal from service against Sri M.D. Amrutha Raj, the then MPDO.

8. Aggrieved by the said orders, the petitioner filed WP and the Hon'ble High Court of Andhra Pradesh, Amaravati in its orders dated 14.11.2024 in WP No.11116 of 2024 vide reference 11th read above, has ordered as follows:

> *"A perusal of Ex.P.1 does not indicate consideration of explanation submitted by the petitioner dated 21.09.2022 (Ex.P.10). even there is no reference to the show cause notice issued dated 11.09.2022 (Ex.P.9). When a major penalty was imposed dismissing the petitioner, the 1st respondent should have considered the explanation submitted by the delinquent/petitioner. However, as observed supra the references in Ex.P.1 neither indicates issuance of show cause notice nor consideration of the explanation submitted by the petitioner. The failure on the part of the 1st respondent in considering the explanation submitted by the petitioner (Ex.P.10) itself suffers from violation of principles of natural justice. On that ground alone the order impugned is liable to be set aside."*
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> *"Given the facts and circumstances of the case, without touching other aspects of the matter the writ petition is allowed. G.O.Ms.No.38 Panchayat Raj and Rural Development (Vig.VII) Department, dated 29.04.2024 is hereby set aside. The matter is remitted to the learned 1st respondent.* ***The learned 1st respondent shall consider the explanation submitted by the petitioner dated 21.09.2022 (Ex.P.10) and pass a reasoned order within a period of six (06) weeks from the date of receipt of copy of the order****. The learned 1st respondent shall also consider the objections of the petitioner regarding violation of Rules Rule 20 (3) & (4) of the APCS (CC&A) Rules, 1991. No order as to costs."*

9. Duly obeying the orders of Hon'ble High Court, the orders issued in G.O.Ms. No. 38 PR&R (Vig.VII) Dept., is withdrawn. With reference to the show-cause notice in the reference **12th read above** and representation of the petitioner in the reference 13th read above, it is observed that, show Cause Notice has not been issued by the Govt., as stated by the Charged Officer and it was issued by the 2nd respondent i.e., Commissioner of Panchayat Raj and the petitioner also submitted representation dt. 21.09.2022 to the 2nd respondent. As per Rule 21 (5) of AP CC A Rules, 1991, **it shall not be necessary to give the Govt. servant any opportunity of making representation on the penalty proposed to be imposed**. Therefore, calling explanation to the in-service employees, on imposing the punishment, is against the Rule under 21(5) of A.P.C.S. (CC&A) Rules, 1991. For in-service candidates being the disciplinary authority, the CPR., (2nd respondent) has initiated disciplinary action in accordance with Rule 20 of APCCA Rules.

10.(i) In the representation to the Show cause notice, the charged officer has submitted that, circular instructions vide 877/EGS/SPM(T)/2017 dt. 26.09.2017 are issued by the CPR for reiteration of the guidelines, as many of the POs are not thoroughly following the guidelines. It is stated that these Guidelines are existing in Master Circular 2017-18 under clause 7.1.6 for procurement of material in implementation of MGNREGS. The master Circular 2017-18 has also been made available at nrega.nic.in web site from 30.03.2017. Once, it is made a public document, it become a constructive notice, and the charged officer can't deny the fact that, the guidelines/instructions are not communicated to him.

ii) The Charged officer in his explanation is silent on what guidelines/rules followed for identification of material suppliers, especially the works executed were material intensive, huge quantum of payments to a tune of 8 crores involved. He exercised arbitrary power and taken unilateral decision in identification of material suppliers. It is a clear violation of the procedure. Therefore, any act, in breach of rules/guidelines or violation of rules shall be actionable perse.

iii) The Charged Officer in his explanation, misrepresented the facts. The works have been executed from 01.04.2017 to 31.03.2018, and 11th round social audit conducted for the works executed during the above said period. But, the charged officer in his explanation stated that, the works sanctioned and executed in Peapully Mandal were actually prior to the date i.e. 02.07.2017, it is far from truth and his claim was a complete travesty of fact.

iv) As the executed works during the period of 01.04.2017 to 31.03.2018 were material intensive and payments made for material supply was to a tune of 8 crores, out of total estimated value of 13.6 crores. The Inquiry Officer has also observed that, the charged officer has not followed the procedure laid down for payment to the material suppliers, as per the instructions issued vide Rc.No. 653/EGS/PM/QC/2009 dt. 16.04.2010. **He violated the procedures in vogue and 8 crores were made directly to the Material suppliers**. In fact, the payments are to be made through Grama Panchayat as per instructions issued vide R.No. 653/EGS/PM/QC/2009 dt. 16.04.2010. On contrary to that, he paid directly to the individuals.

v) He executed all the works as per his whims and fancies and **paid to 124 bogus works, resulted huge financial misappropriation/ embezzlement of funds to a tune of Rs. 4.72 crores**, out of 8 crores material payments made by the charged Officer. The violation of procedures and negligence of the charged officer is amount to strict liability and lead to the loss of Rs. 4.72 crores to Govt. exchequer.

vi) Though the Govt., had placed responsibility on good faith and being P.O., of MGNREGS programme, he is the nucleus of the Mandal in execution of NREGS Scheme, violated the instructions issued in RC No. 653/EGS/PM/QC/2009 dt. 16.04.2010, made payments with malafide intention, paid directly to the suppliers and caused an egregious financial misappropriation of 4.72 crores, for which a recovery from the field functionaries of MGNREGS has been ordered after conducting quality control audit.

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vii) With reference to the statement that, the instructions issued in RC No. 653/EGS/PM/QC/2009 dt. 16.04.20210 of CRD, AP., Hyd., relates to wage works but not to material works, it is submitted that, the explanation of the charged officer is far from truth, but, the circular Memo dt. 16.04.2010, envisages the guidelines for material payments. Though the C.O., is aware of the fact that, this circular instructions are in force for making material payments but he does not taken the guidelines into account and not followed these instructions for material payments. It clearly portrays the malafide intention of the charged officer in the entire gamut of financial misappropriation and violation of procedures in Charge I. As per the said circular Memo., no case works shall not be made to the contracts or any middlemen, other than the tractor owners/farmers or GP accounts/MEO/AE account as case may be.

viii) With regard to the statement of the C.O., that the CRD has not rejected the FTOs., but has approved the same, from the which, it can be informed that, as MPDO/PO, he has not deviated from the prescribed procedure. With reference to the statement, the Director, PR has stated that vide para 2.2.2. of Operational Manual 2006, NREGS AP., the MPDO., are designated as Programme Officers to implement the NREGS Programme at Mandal level. The Programme Officer is primarily responsible, but not the CPR. As per circular Memo dt. 16.04.2010, the MPDO/PO shall make the payments only on receipt of material to the work site and to the finished items only. The FTO shall be rejected if such names of middle men and contractors are seen. The MPDO will be held responsible if any such payments are made to such persons in the name of suppliers who are not permitted to pay.

ix) With regard to the statement of Charged Officer that, there was no mention about the circular dt. 16.04.2010 of CRD, from that, the Inquiry officer not confined to the content referred to in charge No. I., which tantamount to deviation from the original charge. With reference to the statement, the Director, PR has stated that as the original charge was dereliction of legitimate duties and violation of the procedures, while conducting the inquiry on the framed charge/charges, the Inquiry Officer shall examine all the record adduced before him and also the rules/procedures in vogue, to ensure whether the charged officer has deviated or adhered to the rules in force. In that process, the Inquiry Officer in his findings stated that, the Charged Officer has not followed the instructions issued vide Rc dt. 16.04.2010, for making payments, and hence the Inquiry Officer in his findings stated that the charge I is held proved. Therefore, the I.O., conducted the Inquiry without deviation from the original charge. Further stated that the Inquiry officer has conducted the inquiry in accordance with prescribed manner under Rule 20 (3) & (4) of CCA Rules, 1991.

x) Being the Programme officer of NREGS at mandal level, the C.O., has not taken due care in identification of Material suppliers and Material payments. He acted with blind eye and does not comply with the guidelines/instructions issued in this regard. He exercised arbitrary power and given scope for egregious misappropriation of Rs. 4.72 crores. His explanation is complete misrepresentation of facts and ludicrous.

P.T.O

11. Regarding violation of Rule 20 (3) & 20 (4) of APCS (CC&A) Rules,1991, pertaining to his contention that document is not supplied, it is informed that, the said circular is a general one which is available to every officer in the state in the departmental site and every officer should follow while executing the works. It is not specific to this misconduct and therefore, the said document is not supplied to the charged officer, and is not a violation of Rule 20 (3) & 20 (4) of AP CS (CC&A) Rules.

12. After examination of the matter, observed that, the Charged Officer is prime responsible officer to execute NREGS works in the Mandal. He has completely violated circular guidelines and made payment to the unqualified material suppliers, who were not approved by the Mandal level material procurement committee and caused payment to the 124 bogus works and given scope for huge financial misappropriation/embezzlement of funds. The Charged Officer remitted the Misappropriation of Govt. funds to a tune of Rs. 37,284/-. Taking into consideration of Inquiry Report and recommendation of the Commissioner, Panchayat Raj, Govt., have decided to impose the penalty of Dismissal from service against Sri M.D. Amrutha Raj, the then MPDO and accordingly necessary concurrence of APPSC was obtained to impose the Major Penalty of Dismissal from service against Sri M.D. Amrutha Raj., the then MPDO.

13. In exercise of the powers conferred by Rule 9 (X) of AP CS (CC&A) Rules, 1991 read with rule 12 of APCS (CC&A) Rules, 1991, the Govt., hereby order to impose the penalty of Dismissal from service against Sri M.D. Amrutha Raj, the then MPDO, Peapully Mandal of Kurnool district, keeping in view of Rule 8 (4) of the A.P.C.S. (CCA) Rules, 1991.

14. The Commissioner of Panchayat Raj & Rural Development, AP., Tadepalli shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.D. Amrutha Raj, the then MPDO., Peapully Mandal of Kurnool District through the CPR., PR&RD, AP.
The CPR., Tadepalli, Guntur (with a request to serve the above G.O., on the individual and furnish served copy to the Govt.)
The DPO, Nandyal/Ananthapur District.
The District Collector, Nandyal District.
The District Collector, Ananthapuram District.
The CEO. ZPP, Kurnool/Ananthapuram District.
Copy to:
The Accountant General, AP., Vijayawada.
The Director of Treasuries and Accounts , AP, Mangalagiri.
The District Treasury Officer, Nandyal/Ananthapuram District.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER